

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:18-cv-25106-KMW-EGT

UNITED AMERICAN CORP.,

Plaintiff

v.

BITMAIN, INC., SAINT BITTS LLC d/b/a
BITCOIN.COM, ROGER VER, BITMAIN
TECHNOLOGIES LTD., BITMAIN
TECHNOLOGIES HOLDING COMPANY,
JIHAN WU, PAYWARD VENTURES, INC.
d/b/a KRAKEN, JESSE POWELL,
AMAURY SECHET, SHAMMAH
CHANCELLOR, and JASON COX,

Defendants.

**MOTION FOR ENLARGEMENT OF TIME TO SERVE DEFENDANT JASON COX
AND STATUS REPORT AS TO REMAINING FOREIGN DEFENDANTS**

Pursuant to Federal Rules of Civil Procedure 4(m) and 6(b)(1), Plaintiff United American Corp. (“UAC”) hereby moves this Court for an enlargement of time to serve defendant Jason Cox and provides this status report as to the remaining foreign defendants, and in support thereof, states as follows:

1. UAC initially filed this lawsuit on December 6, 2018. [ECF No. 1].
2. To date, UAC has served defendants Bitmain, Inc., Payward Ventures, Inc., Jesse Powell, and Shammah Chancellor. Indeed, the parties are in the midst of briefing motions to dismiss filed on behalf of those defendants.

3. UAC has thus far been unable, however, to serve the following remaining defendants: Saint Bitts LLC, Roger Ver, Bitmain Technologies Ltd., Bitmain Technologies Holding Company, Jihan Wu, Amaury Sechet, and Jason Cox.

4. Under Federal Rule of Civil Procedure 4(m), if a defendant is not served within 90 days after the complaint is filed, the court must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

5. On January 18, 2019, this Court *sua sponte* entered a paperless order regarding service, stating that defendants not served within the time frame provided under Rule 4(m) will be dismissed without prejudice. [ECF No. 37].

6. Upon information and belief, the following defendants reside and will need to be served outside of the United States:

- a. Saint Bitts LLC (residing in Saint Kitts);
- b. Roger Ver (residing in Japan);
- c. Bitmain Technologies Ltd. (residing in China);
- d. Bitmain Technologies Holding Company (residing in the Cayman Islands);
- e. Jihan Wu (residing in China); and
- f. Amaury Sechet (residing in France).

7. Because these defendants are foreign defendants residing outside of the United States, **the 90-day period to effectuate service prescribed by Rule 4(m) does not apply to them.** *See* Fed. R. Civ. P 4(m) (“This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2) or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A)”). *See e.g., Steinberg v. Barclay’s Nominees*, 2008 WL 4601043, at *10 (S.D. Fla. 2008) (noting that service

in a foreign country is exempted from Rule 4(m) and that an extension of time to serve foreign defendant was not necessary).

8. Nevertheless, UAC has attempted service of process on defendants Roger Ver and Jihan Wu in the United States, but have learned that these two individuals reside in Japan and China, respectively.

9. UAC notes that it has engaged the services of Judicial Process & Support Inc. for translation and service of process services in connection with effectuating service on these foreign defendants in Japan, China, France, the Cayman Islands, and Saint Kitts.

10. The process under the Hague Convention in these countries is very lengthy, particularly in China where estimates are that the process can take as long as two years. In the case of Saint Kitts, service must be made via the State Department through Letters Rogatory (also a lengthy process).

11. With respect to the only remaining defendant believed to be domestic – Jason Cox – *six* attempts were made by UAC's process server at an address in San Mateo, California where UAC had reason to believe he resided. UAC has not yet identified a new address for Mr. Cox but is attempting to do so and requests 120 additional days to try to locate and serve him with process. A true and correct copy of a Declaration of Reasonable Diligence (non-service) is attached hereto as **Exhibit A**.

12. For these reasons, good cause exists for the granting of this Motion and the enlargement of time to effectuate service of process.

13. This motion is made in good faith and is not interposed for the purpose of delay.

14. The parties will not be harmed or prejudiced if the requested relief is granted.

WHEREFORE, Plaintiff United American Corp. respectfully moves the Court to enter an Order granting its motion for an enlargement of time to serve Defendant Jason Cox. A proposed order provided for the Court's consideration is attached hereto as **Exhibit B**.

RULE 7.1 CERTIFICATE OF COUNSEL

Pursuant to S.D. Fla. Local Rule 7.1(a)(3), the undersigned certifies that on March 5-6, 2019, Michael Mena conferred with counsel for the currently served Defendants to resolve the issues raised in this Motion and has been unable to do so.

Dated: March 6, 2019

Respectfully submitted,

By: s/ Michael O. Mena

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Attorneys for Plaintiff United American Corp.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 6, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Michael O. Mena

Michael O. Mena

Attorney or Party without Attorney: : : : : : Telephone No: Attorney for: Plaintiff	For Court Use Only
	Ref. No or File No.:
Insert name of Court, and Judicial District and Branch Court: United States District Court For The Southern District Of Florida	
Plaintiff: UNITED AMERICAN CORP. Defendant: BITMAIN, INC.; ET AL	
DECLARATION OF REASONABLE DILIGENCE	Hearing Date:
	Time:
	Dept/Div:
	Case Number: 1:18-CV-25106-KMW

1. I, ANANDA P. BOUGANIM, and any employee or independent contractors retained by SERVICE OF PROCESS, INC. are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant JASON B. COX as follows:

2. Documents: SUMMONS IN A CIVIL ACTION; COMPLAINT; NOTICE OF FILING CIVIL COVER SHEET.

Day	Date	Time	Location	Results
Thu	12/06/18	8:23pm	Home	THE HOME HAS LOCKED GATE, NO ACCESS TO THE FRONT DOOR. THERE WAS NO ANSWER FROM THE GATE BELL, NO LIGHTS OR ANY ACTIVITY. Attempt made by: ANANDA P. BOUGANIM. Attempt at: 12 KNAPP COURT SAN MATEO, CA 94403.
Fri	12/07/18	6:35pm	Home	THERE WAS NO ANSWER FROM THE GATE BELL, NO LIGHTS OR ANY ACTIVITY. Attempt made by: ANANDA P. BOUGANIM. Attempt at: 12 KNAPP COURT SAN MATEO, CA 94403.
Sat	12/08/18	7:11am	Home	THERE WAS NO ANSWER FROM THE GATE BELL, OR ANY ACTIVITY. Attempt made by: ANANDA P. BOUGANIM. Attempt at: 12 KNAPP COURT SAN MATEO, CA 94403.
Mon	12/10/18			PUT ON HOLD, PENDING CLIENT'S INSTRUCTIONS,;
Wed	12/12/18	7:40am	Home	THERE WAS NO ANSWER FROM THE GATE BELL, NO LIGHTS ON OR ANY ACTIVITY. Attempt made by: ANANDA P. BOUGANIM. Attempt at: 12 KNAPP COURT SAN MATEO, CA 94403.
Thu	12/13/18	7:30pm	Home	THERE WAS NO ANSWER FROM THE GATE BELL, NO LIGHTS ON OR ANY ACTIVITY. Attempt made by: ANANDA P. BOUGANIM. Attempt at: 12 KNAPP COURT SAN MATEO, CA 94403.

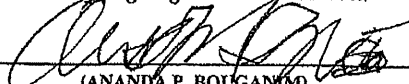
Attorney or Party without Attorney: : : : : : : Telephone No:		For Court Use Only	
Attorney for: Plaintiff		Ref. No or File No.:	
Insert name of Court, and Judicial District and Branch Court: United States District Court For The Southern District Of Florida			
Plaintiff: UNITED AMERICAN CORP. Defendant: BITMAIN, INC.; ET AL			
DECLARATION OF REASONABLE DILIGENCE		Hearing Date:	Time:
		Dept/Div:	Case Number: 1:18-CV-25106-KMW

Day	Date	Time	Location	Results
Fri	12/14/18	8:55pm	Home	THE GATE WAS AJAR AND THE SERVER WAS ABLE TO LOOK INSIDE THE HOME AND IT IS VACANT. Attempt made by: ANANDA P. BOUGANIM. Attempt at: 12 KNAPP COURT SAN MATEO, CA 94403.
Mon	12/17/18			CANCEL AND RETURN PER CLIENT'S INSTRUCTIONS.;

- 3. *Person Executing*
 - a. ANANDA P. BOUGANIM
 - b. SERVICE OF PROCESS, INC.
P.O. BOX 653653
MIAMI, FL 33265
 - c. 305-226-6809

Recoverable Costs Per CCP 1033.5(a)(4)(B)
 d. *The Fee for service was:*
 e. *I am:* (3) registered California process server
 (i) Independent Contractor
 (ii) *Registration No.:* 517
 (iii) *County:* San Mateo
 (iv) *Expiration Date:* Wed, Feb. 19, 2020

4. *I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*
 Date: Tue, Dec. 18, 2018
 Page Number 2



 (ANANDA P. BOUGANIM)

DECLARATION OF REASONABLE DILIGENCE

2266809.115501

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

UNITED AMERICAN CORP.

Plaintiff(s)

v.

BITMAIN, INC., et al.

Defendant(s)

CASE NO: 1:18-cv-25106-KMW

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JASON B. COX
12 KNAPP CT
SAN MATEO, CA 94403

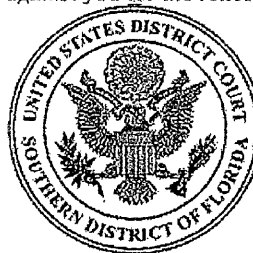
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,

whose name and address are: Brian P. Miller
Michael O. Mena
AKERMAN LLP
Three Brickell City Centre
98 Southeast Seventh Street, Suite 1100
Miami, FL 33131

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: December 06, 2018



Steven M. Larimore
Clerk of Court

SUMMONS

s/ P. Curtis
Deputy Clerk
U.S. District Courts

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:18-cv-25106-KMW-EGT

UNITED AMERICAN CORP.,

Plaintiff

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BITMAIN, INC., SAINT BITTS LLC d/b/a
BITCOIN.COM, ROGER VER, BITMAIN
TECHNOLOGIES LTD., BITMAIN
TECHNOLOGIES HOLDING COMPANY,
JIHAN WU, PAYWARD VENTURES, INC.
d/b/a KRAKEN, JESSE POWELL,
AMAURY SECHET, SHAMMAH
CHANCELLOR, and JASON COX,

Defendants.

[PROPOSED] ORDER

Upon consideration of the Motion for Enlargement of Time to Serve Defendant Jason Cox and Status Report as to Remaining Foreign Defendants, the Court hereby ORDERS that said motion is GRANTED. Plaintiff shall have an additional 120 days to serve process on Defendant Jason Cox.

DONE AND ORDERED in Chambers at Miami, Florida, this ____ day of March 2019.

Hon. Kathleen M. Williams
U.S. District Court Judge